

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

PROPOSED

**AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: General Shale Brick, Inc.
Mailing Address: P.O. Box 3547, Johnson City, TN 37602

Source Name: General Shale Brick, Inc.
Mailing Address: Highway 26 South, Corbin, KY 40702

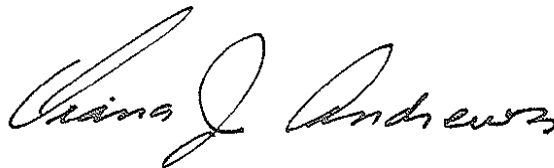
Source Location: Highway 26 South

Permit ID: V-07-010
Agency Interest #: 4204
Activity ID: APE20040001
Review Type: Title V, Construction / Operating
Source ID: 21-235-00022

Regional Office: London Regional Office
875 S. Main Street
London, KY 40741
(606) 330-2080

County: Whitley

Application
Complete Date: March 19, 2007
Issuance Date: May 20, 2008
Revision Date:
Expiration Date: May 20, 2013



**John S. Lyons, Director
Division for Air Quality**

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Permit ID	Permit Type	Log or Activity#	Complete Date	Issuance Date	Summary of Action
V-99-002	Initial Issuance	APE20040001	January 9, 1998	May 5, 2000	Initial Construction Permit
V-07-010	Renewal	APE20040001	March 19,2007	May 20, 2008	Permit Renewal

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, *Title V Permits*.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**Raw Material Handling**

- 01 (-) Stockpile [Feed Material Storage Pile (Outside)]**
Maximum Process Rate: 125 tons/hour
Controls: Wet Suppression
- (-) Truck Loadout [From Feed Material Storage Pile (Outside) to Building]**
Maximum Process Rate: 125 tons/hour
Controls: Wet Suppression
- (-) Stockpile [Feed Material Storage Pile (Inside)]**
Maximum Process Rate: 125 tons/hour
Controls: Enclosed in a Building / Wet Suppression
- (-) Truck Loadout [From Feed Material Storage Pile (Inside) to Receiving Hopper/Meco Feeder]**
Maximum Process Rate: 125 tons/hour
Controls: Enclosed in a Building
- (1) Receiving Hopper and Meco Feeder**
Construction Date: 1972
Maximum Process Rate: 125 tons/hour
Controls: Enclosed in a Building
- (-) Conveyor and Transfer Point (From Receiving Hopper to Primary Crusher)**
Construction Date: 1972
Maximum Process Rate: 125 tons/hour
Controls: Enclosed in a Building
- (-) Conveyor and Transfer Point (From Primary Crusher to Secondary Crusher)**
Construction Date: 1972
Maximum Process Rate: 125 tons/hour
Controls: Enclosed in a Building
- (5) Screens (6) (Leahy 4x10)**
Construction Date: 1972
Maximum Process Rate: 125 tons/hour
Controls: Enclosed in a Building
- (-) Conveyor and Transfer Point (From Screens to Brick Mixer/Extruder)**
Construction Date: 1972
Maximum Process Rate: 125 tons/hour
Controls: Enclosed in a Building

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Raw Material Handling (Continued)

- 03 (03) Haul Road (Unpaved) and Yard Area (Approximately 1.7 miles)**
Controls: Wet suppression

APPLICABLE REGULATIONS:

State Regulation 401 KAR 63:010, Fugitive emissions, applies to each of the affected facilities listed above.

1. Operating Limitations:

N/A

2. Emission Limitations:

- a. The materials processed at each affected facility listed above shall be controlled with wet suppression, enclosures, and/or dust collection equipment so as to comply with the requirements specified in Regulation 401 KAR 63:010, Fugitive Emissions, Section 3. Standards for Fugitive Emissions.
- b. Pursuant to Regulation 401 KAR 63:010, Section 3(1), no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished; or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:
 - 1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
 - 2) Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts;
 - 3) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling. Adequate containment methods shall be employed during sandblasting or other similar operations;
 - 4) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;
 - 5) The maintenance of paved roadways in a clean condition; and
 - 6) The prompt removal of earth or other material from a paved street on which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations: (Continued)

- c. Pursuant to Regulation 401 KAR 63:010, Section 3(2), no person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.
- d. Pursuant to Regulation 401 KAR 63:010, Section 3(3), when dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the Secretary may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or air-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.
- e. Pursuant to Regulation 401 KAR 63:010, Section 4, in addition to the requirements of Section 3 of this regulation, the following shall apply:
 - 1) Open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered at all times when in motion; and
 - 2) No one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway.

Compliance Demonstration Method:

Refer to 4. Specific Monitoring Requirements and 5. Specific Recordkeeping Requirements.

3. Testing Requirements:

N/A

4. Specific Monitoring Requirements:

- a. Visual observations shall be made daily during raw materials handling operations to determine if fugitive dust from the raw material handling equipment is being generated in such an amount or manner as to cause a nuisance or to cross the property line.
- b. Visual observations shall be made daily during plant operations to determine if fugitive dust is becoming airborne from the haul road, yard area, or raw material storage areas as the result of vehicular traffic or windy conditions. Paved roads utilized by vehicles entering or exiting the plant shall be visually monitored on a daily basis to ensure that they are maintained in a clean condition.

SECTION B – EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain a log of the results of the visual observations required by **4. Specific Monitoring Requirements** and information on all controls, including water and other wetting agents, applied to suppress fugitive dust emissions to comply with 401 KAR 63:010. This log shall be maintained on-site and presented to the Division upon request.
- b. Records shall be maintained in accordance with the provisions of **Section F-Monitoring, Recordkeeping, and Reporting Requirements** (Condition 2).

6. Specific Reporting Requirements:

None

7. Specific Control Equipment Operating Conditions:

The permittee shall maintain and operate all control systems and equipment in accordance with manufacturer specifications. Also see Section E.

8. Alternate Operating Scenarios:

None

SECTION B – EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

02 (6, 7) Brick Dryer/Kiln (Kiln A)

Natural Gas-Fired In-Line Tunnel Dryer/Kiln (Kiln A)

Maximum Rated Capacity: 10.9 tons of bricks produced per hour

Maximum Heat Input: 25 MMBtu/hr (burners at kiln only; waste heat to dryer)

Construction Date: 1974. Modified in 1982.

Control Device: None

04 (14, 15) Brick Dryer/Kiln (Kiln B)

Natural Gas-Fired In-Line Tunnel Dryer/Kiln (Kiln B)

Maximum Rated Capacity: 14.4 tons of bricks produced per hour

Maximum Heat Input: 25 MMBtu/hr (burners at kiln only; waste heat to dryer)

Construction Date: 1987

Control Device: None

APPLICABLE REGULATIONS:

State Regulation 401 KAR 59:010, New Process Operations, apply to each affected facility associated with a process operation which is not subject to another emission standard with respect to particulates in Chapter 59 of 401 KAR commenced on or after July 2, 1975.

State Regulation 401 KAR 53:010, Ambient Air Quality Standards, applies to emissions of gaseous fluorides, expressed as hydrogen fluoride (HF), from kiln brick production.

1. Operating Limitations:

- a. To preclude applicability of 401 KAR 59:105, New Process Gas Streams, the total production of bricks from Kiln A and Kiln B shall not exceed 180,000 tons for any consecutive twelve month period, with compliance determined at the end of the month. Compliance with this limit shall restrict emissions of SO₂ from Kilns A and B to less than 100 tons per year and render 401 KAR 59:105 not applicable.
- b. In order to avoid exceeding the ambient air quality standard for gaseous fluoride (HF), as listed in 401 KAR 53:010, the maximum hourly brick production rate for each of Kiln A and Kiln B will not exceed 7.5 tons per hour.

Compliance Demonstration Method:

Refer to **4. Specific Monitoring Requirements**, **5. Specific Recordkeeping Requirements**, and **6. Specific Reporting Requirements**.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**2. Emission Limitations:**

a. Pursuant to Regulation 401 KAR 59:010, Section 3(2):

- 1) Emissions of particulate matter from Kiln A (EP 02) shall not exceed 15.79 pounds per hour.
- 2) Emissions of particulate matter from Kiln B (EP 04) shall not exceed 18.76 pounds per hour.

As determined by the following equation using the process weight rate (in units of tons/hr).

$$\text{For process rates up to 60,000 lbs/hr:} \quad E = 3.59 P^{0.62}$$

For the equation E = rate of emission in lb/hr and P = process weight rate in tons/hr

- b. Pursuant to Regulation 401 KAR 59:010, Section 3(1), visible emissions into the open air from each kiln (EP 02 and EP 04) shall not equal or exceed 20 percent opacity.
- c. To preclude the applicability of 401 KAR 59:105, New Process Gas Streams, the combined emissions of sulfur dioxide (SO_2) from the two kilns (Kiln A and Kiln B) shall be limited to less than 100 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.
- d. Pursuant to Regulation 401 KAR 53:010, Ambient air quality secondary standards, emission concentrations of gaseous fluoride (HF) modeled beyond the property boundary shall not exceed the following averages more than once per year:
 - 1) Maximum One-Week Average: 1.64 ug/m^3
 - 2) Maximum Twenty-Four-Hour Average: 2.86 ug/m^3

See **Section D - Source Emission Limitations and Testing Requirements** for source wide requirements.

Compliance Demonstration Method:

a. Compliance with the hourly emission limit shall be determined as follows:

$$\text{Hourly Emission Rate} = [\text{Monthly processing rate} \times \text{Emission Factor as determined from AP-42} * / (\text{Hours of operation per month})] \times (1 - \text{control efficiency})$$

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations: (Continued)

Compliance Demonstration Method: (Continued)

- * If an Emission Factor other than that taken from AP-42 is used, documentation on how that Emission Factor was derived must be submitted to the Division's Central Office for approval.
- b. In determining compliance with the opacity standard as listed above, the owner or operator shall use Reference Method 9.
- c. Compliance with the requirement of the combined emissions of sulfur dioxide (SO₂) from the two kilns (Kiln A and Kiln B) shall be limited to less than 100 tons per twelve (12) consecutive month period to preclude applicability of 401 KAR 59:105, New Process Gas Streams shall be determined as follows:

$$\text{Hourly Emission Rate} = [\text{Monthly production of bricks} \times \text{Emission Factor as determined from the compliance stack test data} / (\text{Hours of operation per month})]$$

$$\text{Hourly Emission Rate} \times \text{Monthly hours of operation} + 11 \text{ previous months emission rates} = \text{less than 100 tons of sulfur dioxide (SO}_2\text{)}.$$
- d. The permittee shall comply with the ambient air quality standard specified under 401 KAR 53:010, Ambient air quality standards, Appendix A, by limiting the maximum hourly brick production rate for Kilns A and B to not exceed 7.5 tons per hour, each. If the permittee alters process rates, material formulations, or any other factor that would result in an increase of emissions, or if requested by the Division to perform a compliance evaluation, the permittee shall submit the appropriate application forms pursuant to 401 KAR 52:020, Section 3(1)(a), and a compliance modeling demonstration using methods approved by the Division.

3. Testing Requirements:

- a. Pursuant to Regulations 401 KAR 50:055, General compliance requirements, 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using USEPA Method 5 or 17 (particulate matter) and Method 13B, 26, or 26A (hydrogen fluoride) shall be used as the stack test methods and shall be conducted as required by the Division.
- b. Within 6 months of issuance of the final permit, a stack test for HF (hydrogen fluoride) will be conducted to demonstrate compliance with the ambient air quality standard for gaseous fluoride (HF), as listed in 401 KAR 53:010.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. Specific Monitoring Requirements:

- a. The permittee shall perform a qualitative visual observation of the opacity of emissions from the kiln stacks at least once per operating day and maintain a log of the observations. If visible emissions are observed (not including condensed water vapor within the plume), the permittee shall perform a Method 9 reading. The opacity observed shall be recorded in the daily log. The reading shall be performed by a representative of the permittee certified in Visible Emissions Evaluation. The permittee shall maintain a list of all individuals that are certified Visible Emissions Evaluators and date of certification. If emissions are in excess of the applicable opacity limit, then the Permittee shall initiate an inspection of the kiln(s) and perform any necessary repairs. The log shall note:
 - 1) Whether any air emissions (except for water vapor) were visible;
 - 2) The color, duration, and density (heavy or light) of visible emissions;
 - 3) The cause of any visible emissions;
 - 4) A description of the deviation;
 - 5) The date and time period of the deviation; and
 - 6) Whether any corrective actions were necessary.
- b. The permittee shall monitor and maintain records of the following parameters:
 - 1) The daily brick production rate (tons/day),
 - 2) The daily hours of operation, and
 - 3) The average hourly brick production rate (tons/hour) for each day.
- c. The permittee shall monitor and record the monthly and 12 consecutive month total brick production from Kilns A and B.

5. Specific Recordkeeping Requirements:

- a. Records of opacity monitoring data, including daily observations, and support information shall be kept in accordance with the provisions of Section F. Condition 2.
- b. A log shall be kept of all routine and non-routine maintenance performed on each kiln.
- c. See Section F, Conditions 1 and 2.
- d. See **4. Specific Monitoring Requirements** above for additional recordkeeping requirements.

6. Specific Reporting Requirements:

- a. See Section F, Conditions 5, 6, 7, 8, 9, 10, and 11.
- b. See Section G, Conditions 1.d and f, and 7.a.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

7. Specific Control Equipment Operating Conditions:

None

8. Alternate Operating Scenarios:

None

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Raw Material Handling

- 05 (-) Secondary Crusher (Steele Hammermill Model 36-24A)**
Maximum Rated Capacity: 100 tons/hr
Construction Date: April 11, 1994
Particulate Control: Enclosed in a building
- 06 (-) Slider Belt Conveyor and Transfer Point (From Secondary Crusher to Screens)**
Maximum Rated Capacity: 100 tons/hr
Construction Date: April 11, 1994
Particulate Control: Enclosed in a building

ADDITION TO THE SOURCE:

- 07 (-) Primary Crusher (Steadman GS 4260)**
Maximum Rated Capacity: 200 tons/hr
Construction Commenced: 2004
Particulate Control: Enclosed in a building

APPLICABLE REGULATIONS:

Regulation 401 KAR 60:670, New nonmetallic mineral Processing plants (40 CFR 60, Subpart OOO and as modified by Section 3 of 401 KAR 60:670), which applies to emission units that commenced construction, reconstruction, or modification after August 31, 1983.

1. Operating Limitations:

None

2. Emission Limitations:

- a. Fugitive emissions from the one conveyor and transfer point, emission point 06 (-), shall not exhibit greater than ten percent (10%) opacity, as specified in Regulation 401 KAR 60:670 [40 CFR 60.672(b)].
- b. Fugitive emissions from the one primary crusher, emission point 07 (-), and the one secondary crusher, emission point 05 (4), shall not exhibit greater than fifteen percent (15%) opacity, each, as specified in Regulation 401 KAR 60:670 [40 CFR 60.672(c)].

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations: (Continued)

- c. Pursuant to State Regulation 401 KAR 60:670 [40 CFR 60.672(e)], each emission point listed above, enclosed within a building, must comply with the above associated emissions limitations or the building enclosing the emission point(s) must comply with the following:
- 1) No owner or operator shall cause to be discharged into the atmosphere any visible fugitive emissions except emissions from a vent; and
 - 2) No owner or operator shall cause to be discharged into the atmosphere from any vent, emissions which exceed the stack emissions limits listed in 401 KAR 60:670 [40 CFR 60.672(a)].

Compliance Demonstration Method:

- a. In determining compliance with the opacity standards as listed in 2. a. and b. above, the owner or operator shall use Method 9 and the procedures as described in 40 CFR 60.11 and 40 CFR 60.675(c), except for wet processes, which are exempt from Method 9, as specified in 40 CFR 60.675 (h)(1) and (2).
- b. In determining compliance with the emission limits listed in 2.c. above, the owner or operator shall use Method 22 to determine fugitive emissions.

3. Testing Requirements:

Pursuant to 40 CFR 60:675(d), in determining compliance with any visible fugitive emissions being discharged into the atmosphere from a building enclosing any of the emission points listed above, except those emissions discharged from a vent, the performance test shall be conducted while all affected facilities inside the building are operating. The performance test shall be at least 75 minutes in duration, with each side of the building and the roof being observed for at least 15 minutes.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**4. Specific Monitoring Requirements:**

Observations are required during each shift of all operations to determine if any visible fugitive emissions are being discharged into the atmosphere from a building enclosing any transfer point on a conveyor belt or any other affected facility except from a vent, as listed in 2. c. above. If visible emissions are observed, the permittee shall perform a Method 22 reading. The amount of time that visible emissions occur during the observation period (accumulated emission time) shall be recorded in the daily log. Pursuant to 40 CFR 60, Attachment A, Method 22, 2.3, the observer must be knowledgeable with respect to the general procedures for determining the presence of visible emissions. At a minimum, he/she must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training is to be obtained from written materials found in the references listed in 40 CFR 60, Appendix A, Method 22; or from the lecture portion of the Method 9 certification course.

5. Specific Recordkeeping Requirements:

- a. Records of daily observations, and support information shall be kept in accordance with the provisions of Section F, Condition 2.
- b. A log shall be kept of all routine and non-routine maintenance.
- c. See Section F, Conditions 1 and 2.

6. Specific Reporting Requirements:

- a. See Section F, Conditions 5, 6, 7, 8, 9, 10, and 11.
- b. See Section G, Conditions 1. d. and f., and 7. a.

7. Specific Control Equipment Operating Conditions:

None

8. Alternate Operating Scenarios:

None

SECTION C – INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to an opacity standard shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspection, evaluation, and any corrective action shall be recorded in a log.

	<u>Description</u>	<u>Generally Applicable Regulation</u>
1.	Texture Sand Mixing Dust Collector	401 KAR 59:010
2.	Texture Sand Mixing Application Dust Collector	401 KAR 59:010
3.	Storage Silo Vent	401 KAR 59:010
4.	Kiln Car Vacuum System Cleaning	401 KAR 59:010
5.	One (1) 2,000 Gallon Diesel Fuel Tank	None
6.	One (1) 1,000 Gallon Gasoline Fuel Tank	None

SECTION D – SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate (PM/PM-10), sulfur dioxide (SO₂) and hydrogen fluoride (HF) emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.

SECTION E – SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F – MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b(IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [Sections 1b(IV)2 and 1a, 8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26]
3. In accordance with the requirements of 401 KAR 52:020, Section 3(1)h, the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor substances or parameters to assure compliance with the permit or any applicable requirements.

Reasonable times are defined as during all hours of operation, during normal office hours, or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation. [Section 1b(V)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26]

SECTION F – MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall submit written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6. [Section 1b(V)3 and 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26]
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of each term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status of the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
 - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality	U.S. EPA Region 4	Division for Air Quality
London Regional Office	Air Enforcement Branch	Central Files
875 S. Main Street	Atlanta Federal Center	803 Schenkel Lane
London, KY 40741	61 Forsyth St.	Frankfort, KY 40601
	Atlanta, GA 30303-8960	

SECTION F – MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

10. In accordance with Regulation 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.

SECTION G – GENERAL PROVISIONS

1. General Compliance Requirements

- a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit. [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26]
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition. [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26]
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with Regulation 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - 1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 52:020, Section 12;
 - 2) The Cabinet or the U.S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - 3) The Cabinet or the U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
 - 4) New requirements become applicable to a source subject to the Acid Rain Program.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking, and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit. [Section 1a, 7 and 8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26]
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:020 Section 3(1)(c)].

SECTION G – GENERAL PROVISIONS (CONTINUED)

1. General Compliance Requirements (Continued)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. [401 KAR 52:020, Section 7(1)]
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal action or other action shall not invalidate any other portion or condition of this permit. [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26]
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26]
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a, 15 b) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26]
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in Regulation 401 KAR 50:038, Section 3(6). [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26]
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:020, Section 11(3)(b)]
- l. This permit does not convey property rights or exclusive privileges. [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26]
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 52:020, Section 11(3)(d)]
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 52:020, Section 11(3)(a)]

SECTION G – GENERAL PROVISIONS (CONTINUED)

1. General Compliance Requirements (Continued)

- p. This permit consolidates the authority of any previous issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to Regulation 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - a. Applicable requirements that are included and specifically identified in the permit and
 - b. Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 52:020, Section 12]
- b. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets. [401 KAR 52:020, Section 8(2)]

3. Permit Revisions

- a. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G – GENERAL PROVISIONS (CONTINUED)

4. Construction, Start-up, and Initial Compliance Demonstration Requirements

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, emission point 07 in accordance with the terms and conditions of this permit.

- a. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
- b. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
 - 1) The date when construction commenced.
 - 2) The date of start-up of the affected facilities listed in this permit.
 - 3) The date when the maximum production rate specified in the permit application was achieved.
- c. Pursuant to Regulation 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
- d. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to Regulation 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
- e. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated, but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance test on the affected facilities in accordance with Regulation 401 KAR 50:055, General compliance requirements. Testing must also be conducted in accordance with General Provision G.5 of this permit.
- f. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

SECTION G – GENERAL PROVISIONS (CONTINUED)

5. Testing Requirements

- a. Pursuant to 401 KAR 50:045, Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045, Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

- a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
- b. The permittee shall comply with all applicable requirements and conditions of the Acid Rain Permit and the Phase II permit application (including the Phase II NO_x compliance plan and averaging plan, if applicable) incorporated into the Title V permit issued for this source. The source shall also comply with all requirements of any revised or future acid rain permit(s) issued to this source.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - 1) An emergency occurred and the permittee can identify the cause of the emergency;

SECTION G - GENERAL PROVISIONS (CONTINUED)

7. Emergency Provisions (Continued)

- a.
 - 2) The permitted facility was at the time being properly operated;
 - 3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - 4) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - 5) This requirement does not relieve the source of other local, state or federal notification requirements.
- b. Emergency conditions listed in General Condition G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
- c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

8. Ozone Depleting Substances

- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - 1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - 2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - 3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - 4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - 5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION G - GENERAL PROVISIONS (CONTINUED)

9. Risk Management Provisions

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H – ALTERNATE OPERATING SCENARIOS

None

SECTION I – COMPLIANCE SCHEDULE

None